IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADA 1928

Bail Appl..No. 4084 of 2006

AGAINST THE ORDER DATED 23.6.2006 IN CMP. 4861 /2006 IN CP.48/2006 of J.M.F.C.-II,KOTTARAKKARA
(CRIME NO.114/2003 OF CHADAYAMANGALAM EXCISE RANGE)

.....

PETITIONER/ACCUSED:

SASI, S/O. BHASKARAN, MANJU VILASOM,
MUTTARA MURI, ODANAVATTOM VILLAGE,
KOTTARAKKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4084/2006

DATED THIS THE 5TH DAY OF JULY, 2006

O R D E R

The petitioner is the accused, in C.P.48/2006, on the file of the Judicial Magistrate of First Class-II, Kottarakkara. C.R.No.114/2003 of Chadayamangalam Excise Range, was registered against him, for the offence punishable under Section 8(1) and 8(2) of the Abkari Act. The contraband seized, was three liters of arrack. The occurrence took place on 19.12.2003. The petitioner remains in judicial custody, from 22.6.2006. Hence this application.

2. During the hearing, the learned Public Prosecutor submitted that there are also two other cases registered against the petitioner, for the offence, under the Abkari Act. The occurrence in C.R.No.114/2003 took place, while he was on bail.

3. In such circumstances, because of the operation under Section 41A of the Abkari Act, the petitioner is not entitled for bail.

Hence the application is dismissed.

J.M.JAMES
JUDGE

mrcs